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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL JOSEPH PIONTEK,

Defendant and Appellant.

D075300

(Super. Ct. No. SCN393591)

APPEAL from a judgment of the Superior Court of San Diego County, Daniel B. Goldstein, Judge. Affirmed.

David K. Rankin, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Michael Joseph Piontek entered into a plea agreement with a stipulated sentence. Under the terms of the agreement Piontek pleaded guilty to one count of carrying a dirk

or dagger (Pen. Code,¹ § 21310). The balance of the complaint was dismissed, and the parties stipulated to a 16-month term in local prison with no split sentence. Piontek requested immediate sentencing and the court imposed the 16-month term in local prison as agreed. The court awarded 28 days of custody credits and imposed various fines and fees.

Piontek filed a timely notice of appeal but did not obtain a certificate of probable cause. (§ 1237.5.)

Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), indicating he is unable to identify any arguable issue for reversal on appeal. Counsel asks this court to review the record for error as mandated by *Wende*. We offered Piontek the opportunity to file his own brief on appeal, but he has not responded.

STATEMENT OF FACTS

Piontek offered the following factual basis for the plea: "I admit that on the date charged, I: . . . [was] unlawfully in possession of a concealed dirk or dagger."

DISCUSSION

As we have noted, appellate counsel has filed a brief pursuant to *Wende, supra*, 25 Cal.3d 436. Counsel asks the court to review the record for error. To assist the court and in compliance with *Anders v. California* (1967) 386 U.S. 738 (*Anders*), counsel has offered the following possible issues: 1) Was Piontek advised of his trial rights and the

¹ All further statutory references are to the Penal Code unless otherwise specified.

consequences of his plea; 2) is there a factual basis for the plea; 3) did Piontek receive the agreed sentence; and 4) did Piontek object to the fines, fees and custody credits?

We have reviewed the entire record as mandated by *Wende* and *Anders*. We have not identified any arguable issue for reversal on appeal. Competent counsel has represented Piontek on this appeal.

DISPOSITION

The judgment is affirmed.

HUFFMAN, J.

WE CONCUR:

BENKE, Acting P. J.

AARON, J.